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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/397,455	09/16/1999	NED M SMITH	116536-153402	8766
31817 7590 10/03/2007 SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 S.W. FIFTH AVE. PORTLAND, OR 97204			EXAMINER FIELDS, COURTNEY D	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/397,455

Applicant(s)

SMITH, NED M

Examiner

Courtney D. Fields

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,13-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 3, 12, and 22 have been cancelled.
2. Claims 1,4,8,10,13-14,17,19-21,24, and 26 have been amended.
3. Claims 1,2, 4-11, 13-21 and 23-26 are pending.

***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 11 June 2007 has been entered.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,2 and 4-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer (US Patent No. 5,214,702).

Referring to claims 1 and 20, Fischer discloses a method comprising:

a public key cryptographic method and system for authenticating the identity of public key holder. The enhanced digital signature certification will allow trust to be assigned to a key. (See Abstract)

As shown in Column 12, lines 5-16 and 28-36, Fischer discloses reading from a software module of a meta-certifier, wherein the set of keys is embedded within the certificates that are associated with a trusted source (i.e. meta-certificate).

The certificates are accompanied by digital signatures wherein determining whether the key is traceable to one of a set of keys associated with the trusted authority is determined in Column 22, lines 20-26.

Fischer discloses a list of compromised keys which determines if the key can be identified by a valid digital signature in Column 19, lines 36-45.

Furthermore, if the key is not identified as a compromised key and is traceable to one of the keys in the set of keys (i.e. valid), the assigned key within the certificate will gain trusted status based upon a trust level as shown in Column 19, lines 10-23)

Referring to claims 2,14, and 21, Fischer discloses the claimed limitation wherein verifying the integrity of a document comprising the key and the list of comprised keys (See Column 21, lines 31-47)

Referring to claims 4,16, and 23, Fischer discloses the claimed limitation wherein determining whether the key is traceable to one of the keys in the set of keys (See Column 22, lines 20-26) further comprising:

tracing the key through a certificate chain to one of the keys in the set of keys (See Column 16, lines 22-27)

Referring to claim 5, Fischer discloses the claimed limitation wherein associating a document comprising the key and the set of keys with a software module comprising the set of keys using a hash of the software module in the document (See Column 24, lines 18-44)

Referring to claim 6, Fischer discloses the claimed limitation wherein the document is a manifest signed by the key (See Column 24, lines 18-44)

Referring to claim 7, Fischer discloses the claimed limitation wherein searching the list of compromised keys for the key (See Column 19, lines 36-48)

Referring to claims 8,17, and 24, Fischer discloses the claimed limitation wherein producing a document comprising an identification of a software module and a list of comprised keys in and digitally signing the document using a key traceable to one key of a set of keys, wherein the set of keys is embedded in the software module (See Column 19, lines 36-62)

Referring to claims 9,18, and 25, Fischer discloses the claimed limitation wherein the identification of the software module comprises a hash value of the software module (See Column 17, lines 45-62, Column 18, lines 6-13)

Referring to claims 10,19, and 26, Fischer discloses the claimed limitation wherein the key is traceable to one of the keys in the set of keys embedded the software module by way of a certificate chain (See Column 16, lines 22-27)

Referring to claim 11, Fischer discloses the claimed limitation wherein making the document available on a communication network by which computer systems comprising the software module may read the document (See Column 25, lines 23-35)

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Referring to claim 12, Fischer discloses the claimed limitation wherein the set of keys is embedded within the software module (See Column 12, lines 5-16, 28-36)

Referring to claim 13, Fischer discloses a device comprising  
a processor (See Column 9, lines 30-41)  
machine-readable storage for storing instructions, determining whether a key is traceable to one key of a set of keys associated with a trusted source (See Column 22, lines 20-26)

determine whether the key is identified in a list of comprised keys (See Column 19, lines 36-45)

and if the key is not identified as comprised and is traceable to one of the keys in the set of keys, assign the key a trusted status (See Column 19, lines 10-23)

Referring to claim 15, Fischer discloses the claimed limitation wherein a software module comprising the list of keys (See Column 19, lines 36-45)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone numbers for the organization where this application or proceeding is assigned are (571)

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273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
cdf

September 26, 2007

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER